

"well-qualified" for the position to which she has been nominated—their highest rating.

There is no question in my mind that she will serve our Nation well and with distinction as the newest Justice of the Supreme Court, and I will vote in favor of her confirmation this week, proudly.

I have watched many of my colleagues on the other side of the aisle strain to find some justification for voting against Judge Jackson. They know she is highly qualified. They know she is a person of integrity. They know she has the training and judgment required of a Supreme Court Justice.

Last week, one Republican member of the Senate Judiciary Committee called Judge Jackson a "person of exceptionally good character, respected by her peers, and someone who has worked hard to achieve her current position."

Another Republican member of the committee noted that she had "impeccable credentials and a deep knowledge of the law."

You would think these were words leading up to state support for Judge Jackson, but in both of those cases, those Senators have announced their decisions to vote against her. The pattern is the same for too many of our Republican colleagues. They come out and praise Judge Jackson and then announce they are voting against her.

So the question is, Why? What is the reasoning here? And I have been listening carefully.

Many of our colleagues tie their opposition to what they have called her "judicial philosophy." They say Judge Jackson will push her own political ideology at the expense of the law. They say she is going to be an activist instead of a judge. They say she will create "new rights from the Constitution out of whole cloth." In fact, that was a quote from my colleague, the senior Senator from Texas, who took to the floor last week in opposing Judge Jackson's confirmation.

When my friend from Texas made that statement, I happened to be sitting where the Presiding Officer is right now, as I was presiding over the Senate, and I listened very closely to his arguments and others that were made along similar lines. None of the claims that I have heard hold water when you look at the facts because here is what Judge Jackson herself said during her confirmation hearing when asked about judicial restraint:

I am acutely aware that, as a judge in our system, I have limited power, and I am trying in every case to stay in my lane.

This is not just a hollow promise. Judge Jackson has explained to this Senate her clear methodology for ruling on cases to ensure that she stays in her lane. The methodology is simple.

Step 1, start from a position of neutrality.

We have all seen the scales of justice. We want them to be evenly balanced. Everybody who walks into a court should get a fair shot. That is step 1.

Step 2, evaluate all of the facts from various perspectives.

Step 3, apply the law to those facts. That is it. She was clear. That is how she makes decisions. That is how she rules from the bench.

So what about the Constitution itself, that great document? What about this notion that she would be a runaway Justice, "creating new rights from the Constitution out of whole cloth"—to use the language, the expression, of some of my colleagues.

That, too, is just plain wrong.

Here is Judge Jackson again when she said:

I believe that the Constitution is fixed in its meaning. I believe it is appropriate to look at the original intent, original public meaning of the words when one is trying to assess because, again, that is a limitation on my authority to import my own policy.

Judge Jackson understands the boundaries of her authority as a judge. She has stayed within those boundaries for over a decade on the Federal bench.

So enough of the spurious arguments that she is going to be an activist on the Court. Her method is clear; it is fair; it is balanced and honest, and I am confident that her rulings will be clear, fair, balanced, and honest.

Let's not forget this: There are certain rights that most Americans would acknowledge are central to our Nation's traditions and values but that are not specifically and expressly enumerated in the Constitution, not each and every one with its own sentence.

I have a short list here: the right to travel, the right to vote, the right to privacy, the right to marry. None of these rights are explicitly, expressly referenced in the text of the Constitution, but all of them have been derived by a close analysis of the letter and spirit of our Constitution and laws. These are rights we all embrace. These are rights the American people don't want elected officials to be able to take away from them.

Let's not forget that the First Amendment, as written, only protects Americans from Federal action, from congressional action, that would violate their right to freedom of religion, press, speech, and assembly.

Over time, the Court has taken action to protect these rights in the face of all government action, whether Federal or State or local, to make sure that those rights are protected against all government action no matter what its source.

Justices appointed by Presidents of both parties have worked to protect rights Americans hold dear.

President Reagan's appointee Justice Anthony Kennedy wrote the majority opinion in the case of *Obergefell v. Hodges*, which protects the rights of same-sex couples to marry. His fellow Reagan appointee Sandra Day O'Connor joined the majority in the case of *Planned Parenthood v. Casey*, which reaffirmed the reproductive liberties guaranteed under *Roe v. Wade*.

Let's be clear: The Supreme Court considers the most challenging ques-

tions in American law. Judge Jackson will have to take on these challenging questions, like her peers on the Court, if she is confirmed; but one thing is crystal clear from her testimony and from the record: She will apply the law based on the facts. She will not be a partisan in a robe. She will be a fair, independent Justice of the Supreme Court, and she is very deserving of that title.

I had the great privilege of meeting with Judge Jackson just yesterday. During our conversation, I was struck, again, by her brilliance, her intelligence, her kindness, and resolve. That came across on television during the hearings, but it was very evident in our one-on-one meeting. I thought about another Supreme Court nominee who broke barriers nearly 55 years ago, a man from Baltimore, MD: Thurgood Marshall. He was the first Black man to serve on the Supreme Court of the United States.

So, during my conversation with Judge Jackson, I invited her to join me in West Baltimore at P.S. 103. This is public school building 103. It is in West Baltimore. It is the school where Thurgood Marshall learned to read and write. It is no longer an active school. The building is in bad condition. Just this year, as part of the omnibus appropriations bill, Senator CARDIN and I were able to secure some Federal funds to help renovate that building and to turn it into a living memorial to Justice Thurgood Marshall and to expand opportunities for people in West Baltimore. So I told Judge Jackson that once she gets settled, it would be a great honor and privilege to bring her, the first Black woman on the Supreme Court, to the place where the first Black man on the Court grew up and went to school.

Justice Thurgood Marshall inspired a generation of leaders and public servants to enter the legal field. Soon, Justice Ketanji Brown Jackson will do the same. Young people from all across our country will look at the Supreme Court of the United States and feel more included. Her presence on the Court will be a victory for "we the people."

In 1978, Justice Thurgood Marshall said to a group of university graduates:

This is your democracy. Make it. Protect it. Pass it on.

I am deeply honored to work alongside my colleagues in the Senate to advance that vision, as we all strive to form a more perfect Union. And there is no doubt in my mind—no doubt at all—that elevating Judge Jackson to Justice Jackson will make our Union a little more perfect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

EXECUTIVE CALENDAR

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate consider the following nomination: Calendar No. 659, Katherine Vidal,

to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office; that the Senate vote on the nomination without intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Katherine Vidal, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Vidal nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. VAN HOLLEN. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSOLIDATED APPROPRIATIONS ACT

Mr. GRASSLEY. Madam President, I ask unanimous consent that this letter to the Senate Archivist be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARLES E. GRASSLEY,
PRESIDENT PRO TEMPORE EMERITUS,
Washington, DC, April 1, 2022.

KAREN D. PAUL,
Senate Archivist, Senate Historical Office,
Washington, DC.

DEAR MS. PAUL: I understand that you have been charged with implementing a provision in the Consolidated Appropriations Act, 2022 that offered a very limited number of senators up to \$2.5 million each for the preservation of their records. This is a shocking amount of money, well beyond what could possibly be necessary for processing and preserving records, even for long serving senators with a lot of records. On September 22, 2021, my staff alerted the Senate Legislative Branch Appropriations Subcommittee of my decision not to accept any of the funding being proposed. It was my understanding at that time that the Appropriations Committee would reduce the funding appropriated accordingly.

With a budget deficit for the current fiscal year expected to be well over \$1 Trillion, and ballooning debt that is on pace to reach an all-time record as a share of our economy within 10 years, spending millions of taxpayer dollars on a handful of senators'

records cannot be justified. The tradition in the Senate is for academic institutions to agree to store and manage former senators' records as part of their academic mission. Some senators seek to go beyond simple preservations of records and establish centers to perpetuate their legacy. However, funds for new facilities or other functions beyond simply storing records are traditionally raised privately. The taxpayers should NOT be on the hook for senators' legacy projects. As a working senator, I am not focused on my legacy. I often say that my legacy will be decided by historians decades into the future with the benefit of hindsight. As such, my legacy is not something I can or should worry about.

Again, I did not seek these funds and I oppose their expenditure. I ask that you not transmit paperwork to the future repository of my records. I also ask that any funding that is eligible to be spent on the preservation of my records remain in the Treasury to reduce the deficit.

Sincerely,

CHUCK GRASSLEY,
United States Senator.

PS: Read and signed by this Senator.

NOMINATION OF KETANJI BROWN JACKSON

Mrs. FEINSTEIN. Madam President, I rise today in support of the nomination of Ketanji Brown Jackson to be an Associate Justice on the U.S. Supreme Court. I have had the privilege of serving in this body for nearly three decades now.

In that time, I have participated in the confirmation hearings of 10 Supreme Court Justices and hundreds of nominees to our Federal circuit and district courts. I have carefully scrutinized Judge Jackson's record and listened very closely to her testimony. In my view, Judge Jackson is both well qualified and extremely prepared to take on the important role of serving on the U.S. Supreme Court.

Judge Jackson is a graduate of both Harvard University and Harvard Law School, a former Supreme Court clerk, a former Federal public defender, and a former U.S. Sentencing Commissioner. On top of that, Judge Jackson has served as a federal judge for nearly a decade.

Judge Jackson would be the first Federal public defender to sit on the Supreme Court and the first Justice since Thurgood Marshall with significant experience representing low-income defendants in criminal cases. As a former public defender, Judge Jackson truly understands the power of our constitutional rights, including the Sixth Amendment right to counsel and the Fifth Amendment right to due process. Judge Jackson would also join Justice Sotomayor as the only former Federal district court judges serving on the Supreme Court.

What has impressed me most about Judge Jackson does not appear on her resume. That is Judge Jackson's steadfast commitment to the fair and impartial application of the law, her deep knowledge of the U.S. Constitution, and her remarkable judicial temperament. These qualities were dem-

onstrated in her testimony before the Judiciary Committee earlier this month. They were also shown in the letters and testimony of the many people—of all ideological viewpoints—who have supported Judge Jackson's nomination.

First, Judge Jackson's respect for the law and the Constitution are clear from the nearly 600 legal opinions she has drafted as a Federal judge. Her legal opinions are clear and detailed. As she explained during her confirmation hearings, Judge Jackson carefully and fairly applies the law to the specific facts of each case. And Judge Jackson takes the time to explain why she reached each decision. In my view, it is important that the decisions of the Supreme Court are accessible to the American people. Judge Jackson's approach to judicial decision-making will help to ensure transparency in her judging and help to restore the public's confidence in the decisions of the Supreme Court.

Second, Judge Jackson clearly has deep legal knowledge. During her more than 20 hours of testimony before the Judiciary Committee, she spoke with skill on a wide range of topics. She addressed legal issues of all kinds, including separation of powers, the First Amendment, administrative law, criminal sentencing, and much more. I believe Judge Jackson has the knowledge and expertise to decide the most difficult and pressing legal issues facing this Nation.

Finally, during her hearings, Judge Jackson also showed that she has a remarkable temperament. Lawyers and judges who have worked with her, or appeared before her, have confirmed that Judge Jackson brings this temperament with her in all aspects of her work. They have told the Senate that she is as collegial, calm, and steadfast as she appeared to be during her hearings.

For example, Judge Thomas Griffith testified in support of Judge Jackson's nomination and focused on her character and temperament, in addition to her exceptional qualifications. Judge Griffith is a retired judge of the D.C. Circuit and was appointed to the bench by President George W. Bush. Judge Griffith said that Judge Jackson has modeled the ideal qualities of a judge, including diligence, carefulness, high character, deep legal knowledge, and broad experience.

Witnesses from the American Bar Association also testified about Judge Jackson's sterling reputation for integrity. Those witnesses interviewed lawyers and judges who have known and worked with Judge Jackson at various points over the course of her career. And, in those interviews, lawyers and judges who were familiar with Judge Jackson uniformly praised her character. They called her "first rate," "impeccable," and "beyond reproach." One comment said: "You write the word 'integrity,' and then you put her initials next to it."